

1-1 By: Naishtat (Senate Sponsor - Zaffirini) H.B. No. 3136
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 12, 2015, read first time and referred to Committee on State
 1-4 Affairs; May 22, 2015, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the use of a small estate affidavit to distribute
 1-20 certain intestate estates.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 205.002, Estates Code, is amended to
 1-23 read as follows:

1-24 Sec. 205.002. AFFIDAVIT REQUIREMENTS. (a) An affidavit
 1-25 filed under Section 205.001 must:

1-26 (1) be sworn to by:

1-27 (A) two disinterested witnesses;

1-28 (B) each distributee of the estate who has legal
 1-29 capacity; and

1-30 (C) if warranted by the facts, the natural
 1-31 guardian or next of kin of any minor distributee or the guardian of
 1-32 any other incapacitated distributee;

1-33 (2) show the existence of the conditions prescribed by
 1-34 Sections 205.001(1), (2), and (3); and

1-35 (3) include:

1-36 (A) a list of all known estate assets and
 1-37 liabilities;

1-38 (B) the name and address of each distributee; and
 1-39 (C) the relevant family history facts concerning

1-40 heirship that show each distributee's right to receive estate money
 1-41 or other property or to have any evidence of money, property, or
 1-42 other right of the estate as is determined to exist transferred to
 1-43 the distributee as an heir or assignee.

1-44 (b) A list of all known estate assets under Subsection
 1-45 (a)(3)(A) must indicate which assets the applicant claims are
 1-46 exempt.

1-47 SECTION 2. Chapter 205, Estates Code, is amended by adding
 1-48 Section 205.009 to read as follows:

1-49 Sec. 205.009. CONSTRUCTION OF CERTAIN REFERENCES. A
 1-50 reference in this chapter to "homestead" or "exempt property" means
 1-51 only a homestead or other exempt property that would be eligible to
 1-52 be set aside under Section 353.051 if the decedent's estate was
 1-53 being administered.

1-54 SECTION 3. Section 205.009, Estates Code, as added by this
 1-55 Act, applies to the estate of a decedent that is pending on or after
 1-56 the effective date of this Act, regardless of the decedent's date of
 1-57 death.

1-58 SECTION 4. This Act takes effect September 1, 2015.

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